

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

CALLED FOR SPEAKING TO THE MINUTES :

6. TP/2365/2024
[Original]
(ECHCBM02061092024)
with
WILL/945/2024

) Ms. Jyoti Badgujar i/b Lakdawala & Co.,
) Advocate for the Petitioner.
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)
) P.C.: Suo-Moto
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)
) 1. Office has informed that, while preparing
) the Grant, in order dated 05.09.2024, consent
) Affidavits of two sons and one married
) daughter of the deceased is mentioned instead
) of “consent Affidavits of two grand daughters
) of the deceased” in para – 4.
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)
) 2. Hence, para – 4 of order dated 05.09.2024
) is corrected by mentioning “consent Affidavits
) of two grand daughters of the deceased”
) instead of consent Affidavits of two sons and
) one married daughter of the deceased”.
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) 3. Rest of the order remains as it is.
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) 4. Removed from the board.
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) For the sake of convenience, the order dated
) 05.09.2024 reads as under ;
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) 5. Perused Petition which is filed online.
) Heard Ld. Advocate for Petitioners. This
) Petition is for Probate of Last Will and
) Testament of the deceased filed by Petitioners
) Jailina Shailesh Shah and Gaurang
) Vinodchandra Merchant, being the Executors
) named under the Will of the deceased.
) Deceased Surendra Maganlal Shah also known

Contd. ...2/-

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) as Shah Surendra Maganlal, said to have died
) at Mumbai on 13.01.2002. Copy of death
) certificate is annexed to the Petition. For
) identification proof of the deceased, copy of
) Voter ID is annexed to the Petition.

) 6. Ms. Badgujar, Advocate for the Petitioner
) submits that deceased left behind him last Will
) and Testament which was duly executed at
) Mumbai, on 21.12.2000. The said Will is in
) English language.

) 7. Ms. Badgujar, Advocate for the Petitioner
) submits that deceased was governed under the
) Hindu Succession Act 1956. It is submitted that
) the parents and wife of the Deceased,
) predeceased the deceased. Exhibit – E is the
) photocopy of the death certificate of the wife of
) the deceased. The said Deceased had no
) daughter, he died leaving behind his one Son
) Mr. Shailesh Surendra Shah who died at
) Mumbai on 17-9-2010. Exhibit “C” to the
) Petition is the copy of the Death Certificate he
) since deceased the Deceased, the said Mr.
) Shailesh Surendra Shah too had no Son, he
) died leaving behind his Widow and 2
) Daughters. Save and except as mentioned in
) para – 8, there are no other legal heirs left by
) the deceased. The Ld. Advocate for the
) Petitioner submits that the Petitioner was
) ignorant and unaware of any legal
) representation and recently been advised to
) obtain the same, hence it is prayed that delay in
) filing the Petition, be condoned in interest of
) justice. Thus, the delay is explained.

) 8. Petitioner’s Oath is filed. **Consent**
) **Affidavits of two grand daughters of the**
) **deceased as mentioned in para – 8 are**
) **on record.** Affidavit of Padmanabh
) Vinodchandra Merchant, one of the attesting
) witness to the Will is filed. Affidavit of service

[illegible]

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General Citation is filed. All the Affidavits are also filed online. All other legal formalities are complied with. Hence, Petition is granted.

9. Office to issue Probate as prayed after verifying whether any Cross Petition or Caveat is filed.

Addl. Registrar (O.S.) /
 Addl. Prothonotary and Senior Master